



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

  
1103882 - R8 SDMS

Ref: 8ENF-L

August 14, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

CoCa Mines, Inc.  
6500 N. Mineral Drive  
Coeur D'Alene, ID 83815-8788

Re: Request For Information  
Gilt Edge Mine Site, Lawrence County, South Dakota

Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to the Gilt Edge Mine Site located approximately 4.5 mile southeast of the town of Lead in the northern Black Hills of Lawrence County, South Dakota (hereinafter "the Site"). The United States Environmental Protection Agency (EPA) is writing this letter to you because it has information that indicates that CoCa Mines, Inc., may have owned and/or operated portions of property comprising the Site. EPA is currently investigating the nature and extent of contamination and past operations at the Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto. EPA seeks your voluntary cooperation in this investigation. Your compliance with the Information Request is appreciated and is required by law. Please provide a complete and truthful response to this Information Request within thirty (30) days of your receipt of this letter. Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to meet that deadline or failure to respond adequately. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested

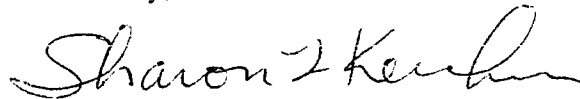
format for the notarized certificate is included with this request as Enclosure 2.

Your response to this Information Request should be mailed to:

Sharon Abendschan  
U.S. EPA Region 8  
Technical Enforcement Program, 8ENF-RC  
1595 Wynkoop Street  
Denver, Colorado 80202

If you have any questions relating to this Information Request, please contact Andrea Madigan, EPA Enforcement Attorney, at (303) 312-6904 or Sharon Abendschan at (303) 312-6957. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon L. Kercher". The signature is fluid and cursive, with the first name "Sharon" being more prominent and the last name "Kercher" following in a similar style.

Sharon L. Kercher, Director  
Technical Enforcement Program,  
Office of Enforcement, Compliance,  
And Environmental Justice

Enclosures

cc: The Corporation Company, Registered Agent for CoCa Mines  
1675 Broadway, Suite 1200  
Denver, CO 80202

## ENCLOSURE 1

### GILT EDGE MINE SITE INFORMATION REQUEST

#### Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 USC 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 USC 6927(b), and 40 CFR 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

#### Definitions

The following definitions shall apply to the following words as they appear in this Enclosure 1:

1. The terms "you" or "Respondent" shall mean the addressee of this Request, and its predecessors, successors, parent companies, and subsidiary companies, including but not

limited to Congdon & Carey, Ltd. 5, CoCa Mines, Inc., Minerals Engineering Company, and Hecla Mining Company . The terms "you" or "Respondent" shall also mean the officers and directors of the same.

2. The term "hazardous substance" shall have the same definition set forth in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
3. The terms "Site" shall mean that location within Sections 5, 6, 7, and 8, Township 4 North, Range 4 East in Lawrence County, South Dakota known as the Gilt Edge Mine Site. A map depicting the location of the Site is enclosed as Enclosure 3.
4. The term "pollutant or contaminant" shall have the same definition set forth in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants, with any other substances, including petroleum products.
5. The term "hazardous waste" shall have the same definition set forth in Section 1004(5) of RCRA.
6. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes, as defined above.
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.
10. The terms "document" and "documents" shall mean any written, recorded, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
11. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring,

emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

12. The term "ore" shall be interpreted to mean all rocks and minerals (including soils, sands and gravels) which contain gold, silver, lead, zinc, copper, cadmium, chromium, aluminum, iron, molybdenum, arsenic, platinum, uranium, vanadium or radium.
13. The term "property interest" means any interest in property including, but not limited to, any ownership interest, including an easement or right of way, a mineral interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of trust that owns or rents, or owned or rented property.
14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq.; RCRA, 42 U.S.C. §§ 6901 et seq.; or their regulations found at 40 CFR Part 300 or 40 CFR Part 260 et seq. respectively, in which case the statutory or regulatory definitions shall apply.

## QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide accurate copies of all such documents.
4. Describe the operations the Respondent conducted at the Site including the following:
  - a. The dates of operation;
  - b. The physical changes made to the Site;
  - c. The mining and mineral processing activity conducted at the Site, including but not limited to exploration activities;
  - d. Other entities the Respondent partnered with to perform Site operations.
  - e. The activities taken upon cessation of operations at the Site related to reclamation and restoration.

5. Describe and where available, provide maps and construction drawings that depict the physical characteristics of the Site and all changes that Respondent made at the Site, including but not limited to the following:
  - a. Surface structures (e.g., buildings, tanks, etc.);
  - b. Exploration drill holes, ground water wells, including drilling logs;
  - c. Ore repositories, heap leach pads, and mine waste impoundments;
  - d. Shafts, adits, and tunnels or other excavations;
  - e. Roads.
6. Describe all waste materials that resulted from Respondent's operations at the Site including, but not limited to, waste rock, tailings, spent ore, and treatment plant sludges. State the quantities produced of each such waste. Describe where each such waste was disposed of. Identify any hazardous substances contained in such wastes and provide copies of any and all documents that describe any analysis of such wastes and the results of the analysis.
7. Provide copies of any and all permits issued by State or Federal agencies related to Respondent's operations at the Site, including permits Respondent obtained on behalf of any other entities.
8. Identify the entity that held recorded title to the Site during the period of Respondent's operations at the Site. Provide the following information:
  - a. The date Respondent acquired the property;
  - b. Identify the party from whom Respondent acquired the property;
  - c. Provide a copy of the deed or other instrument by which Respondent acquired the property.
9. Describe all property interests that Respondent currently owns or has previously owned at the Site, including the following information. To the extent the information requested below is provided in deeds or other documents submitted with your response to this Request, you need not include the information in your narrative response.
  - a. Provide the legal description of the properties owned;
  - b. Describe the nature of the interest Respondent own(ed), (i.e surface, mineral, surface and mineral, fractional ownership, fee title, leasehold, option to buy);

- c. Identify the entity from which Respondent acquired the interest, and the date you acquired it;
  - d. If Respondent has sold or in any manner transferred property at the Site, identify the person to whom Respondent sold or transferred property, describe the property sold or transferred, and provide the date of the sale or transfer;
  - e. If Respondent owns a fractional interest in any property at the Site, describe what portion Respondent owns and identify the other owners of the property;
  - f. Please provide copies of all deeds or other conveying instruments by which Respondent acquired or transferred title to property at the Site.
10. If Respondent leased the property, provide copies of all lease agreements.
11. If Respondent has conducted any mining activity at the Site, or conducted any activity at the Site that involved excavation, grading, filling, drilling or other earth moving, describe those activities including the date of the activity and the area of the Site on which it occurred. Identify the individuals responsible for such activities at the Site. Provide all documentation pertaining to such activity.
12. Provide all documentation pertaining to drill holes, including borehole logs, geological logs, location maps, and any information relating to the results and analysis of the drilling that was done at the Site by Respondent and/or its contractors.
13. Provide all existing technical or analytical information in your possession about the Site, including, but not limited to, data and documents related to soil, water (ground or surface), geology, geohydrology or air quality on and about the Site.
14. Provide copies of project authorization proposals and/or status and planning reports for Respondent's operations at the Site. Identify the person(s) who prepared these reports and his/her role(s) at the Site.
15. Describe the organizational history, corporate history, and successorship of Congdon & Carey, Ltd. 5 and CoCa Mines, Inc. Provide documents and agreements to support your description. Include the following information in your description:
- a. Dates, countries, and states/provinces of incorporation;
  - b. Any record of partnership, article of incorporation, record of dissolution;
  - c. The relationship between Congdon & Carey, Ltd. 5 and CoCa Mines, Inc.;
  - d. The relationship between CoCa Mines, Inc., and Hecla Mining Company;

- e. The directors and executive officers, including managers, of Congdon & Carey, Ltd. 5 and CoCa Mines, Inc. during the time of operations at the Site; describe each individual's respective role(s) at the Site; and
  - f. The dates and terms of all mergers, acquisitions, and name changes that Congdon & Carey, Ltd. 5 and CoCa Mines, Inc., have been a party to since their establishment.
- 16. Identify the individual(s) who was responsible for approving budgets for planned operations at the Site on behalf of Respondent. Provide copies of those budgets for planned operations at the Site.
  - 17. Identify the individual(s) who managed, directed, and/or conducted operations at the Site on behalf of Respondent related to hazardous waste and/or decisions about compliance with environmental regulations. Provide copies of documents related to hazardous waste and/or decisions about compliance with environmental regulations at the Site.
  - 18. Provide all information related to the partnership between Cyprus Mines Corporation and Congdon & Carey, Ltd. 5 which provided that all expenses and profits arising from operations at the Site were to be divided 80 percent to Cyprus Mines Corporation and 20 percent to Congdon & Carey, Ltd. 5. Provide copies of such agreements and any related documents.
  - 19. Provide all information, including documents, relating to CoCa Mines, Inc.'s participation in the partnership with Cyprus Mines Corporation, or any other agreement entered into by CoCa Mines, Inc. that pertained to Site ownership, operations, or reclamation or other activities at the Site.
  - 20. Identify companies or individuals that the Respondent hired to perform work at the Site. Provide all documentation, including contracts, pertaining to this work. Include information about the purpose of and documentation related to Respondent's contracts at the Site.
  - 21. Provide all information, including documents, related to Respondent's efforts to conduct remedial work on abandoned tailings at the Site. Identify the individual(s) responsible for such effort and the activities undertaken, if any, related to the remedial work.
  - 22. Provide all information, including documents, related to Respondent's efforts to reclaim the experimental heap leach at the Site. Identify the individual(s) responsible for such effort and the activities undertaken, if any, related to the reclamation.
  - 23. Provide all information, including documents, relating to the cause, assessment, and remediation of sedimentation at the Strawberry Creek during the period of Respondent's operations at the Site. Include in your answer all information, including documents, related to the construction of a permanent settling impoundment below the tailings to



keep material from reaching Strawberry Creek; construction of a temporary settling impoundment in lower Strawberry Creek; and removal of the eroded tailings from Strawberry Creek by Respondent.

24. Identify whether Respondent obtained insurance for environmental liability at the Site. If so, provide all information related to such contract(s), including copies of the insurance document(s).
25. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
26. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

**ENCLOSURE 2**

**NOTARIZED CERTIFICATE**

I, \_\_\_\_\_, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by \_\_\_\_\_ to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Gilt Edge Mine Site located in Lawrence County, South Dakota.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

\_\_\_\_\_  
(Signature) (Name, Title)

(SEAL)

Subscribed and sworn to me  
this \_\_\_ day of \_\_\_\_\_, 2008.

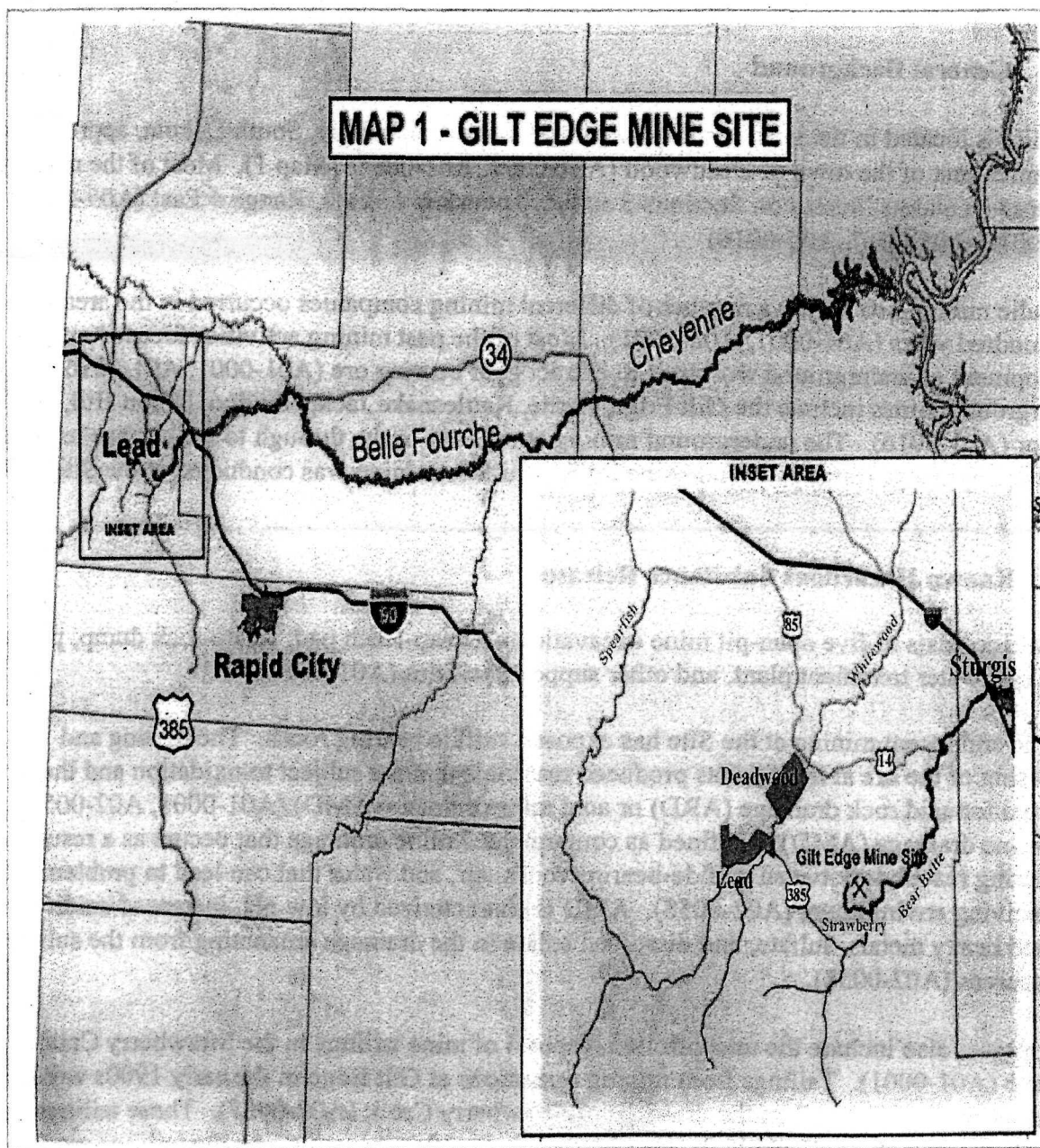
\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_  
My address is \_\_\_\_\_  
\_\_\_\_\_



*Printed on Recycled  
Paper*

# MAP 1 - GILT EDGE MINE SITE



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

CoCa Mines, Inc.  
6500 N. Mineral Drive  
Coeur D'Alene, ID 83815-8788

## 2. Article Number

(Transfer from service label)

7007 3020 0003 3320 7746

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

\*Kate Udempner

☐ Agent☐ Addressee

## B. Received by (Printed Name)

Kate Udempner

## C. Date of Delivery

8-18-08

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

## CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

Postage

\$

Certified Fee

mailed

Return Receipt Fee  
(Endorsement Required)

8/14/08

Restricted Delivery Fee  
(Endorsement Required)

pm

Total Postage &amp; Fees

\$

Postmark  
Here

CoCa Mines, Inc.  
6500 N. Mineral Drive  
Coeur D'Alene, ID 83815-8788

PS Form 3800, August 2006

See Reverse for Instructions